

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educators)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Heather C. Durbin)	
)	
Certificate # 213203)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on March 11, 2003. On February 3, 2003, the State Department of Education (Department) sent Ms. Heather Durbin a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educators certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Durbin received the notice, as evidenced by the signed postal receipt. Ms. Durbin did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. Durbin, the State Board voted to suspend Ms. Durbin's certificate for one year.

FINDINGS OF FACT

Ms. Durbin holds a valid certificate, and has over three years of teaching experience. She was under contract with the Greenville County School District (District) for the 2002-2003 school year, as a science teacher at Hillcrest High School. On December 17, 2002, Ms. Durbin notified the District Superintendent, Dr. William Harner, that she was resigning effective December 20, 2002. She did not return to the classroom. According to her principal Talmadge Gray, Ms. Durbin resigned because she refused to participate in the state mandated ADEPT evaluation system. Ms. Durbin was notified on January 14, 2003, that her resignation was not accepted because it did

not comply with District policy. On that same date, the District School Board voted to file a complaint with the State Board seeking the suspension of Ms. Durbin's certificate for one year for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Durbin's certificate # 213203 for a period of one year from March 11, 2003 through March 10, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if she wants her certificate reinstated, Ms. Durbin may make a written request for reinstatement to the Office of Teacher Education and Certification of the Department.

South Carolina State Board of Education

By: /S/ Greg Killian
Greg Killian
Chair

Columbia, South Carolina
March 11, 2003